

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

2018 MAR 28 PM 4: 23

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DJS

BRANDON LEROY GREENE,

Petitioner,

v.

LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

Respondent.

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2:17-CV-199

ORDER ADOPTING FINDINGS, CONCLUSIONS AND RECOMMENDATION
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner filed with this Court a petition for a federal writ of habeas corpus challenging the constitutionality of three (3) convictions, pursuant to his guilty pleas, out of Potter County, Texas. On February 1, 2018, respondent filed a preliminary answer asserting petitioner's claims were time-barred.

On February 26, 2018, having received no reply from petitioner, the United States Magistrate Judge entered her Findings, Conclusions and Recommendation (FCR) in this cause, recommending therein that the habeas application be denied as time-barred. On March 2, 2018, after issuance of the FCR, petitioner filed a reply to respondent's preliminary answer wherein he appears to make the argument that the statute of limitations should be equitably tolled because of his misunderstanding of the proper calculation of the limitation period, the inadequacy of his unit law library, his perceived diligence in seeking state and federal habeas relief, his lack of legal knowledge, and the fact that habeas relief is the only relief he has been seeking.

The undersigned United States District Judge has made an independent examination of the record in this case, including petitioner's post-FCR reply. Petitioner's argument for entitlement to

equitable tolling of the limitation period is without merit, and petitioner's habeas application is time-barred. The Magistrate Judge's FCR is hereby ADOPTED. Accordingly, the petition for a writ of habeas corpus is DENIED.

IT IS SO ORDERED.

ENTERED this 28th day of March 2018.

A handwritten signature in cursive script, reading "Mary Lou Robinson", written over a horizontal line.

MARY LOU ROBINSON
UNITED STATES SENIOR DISTRICT JUDGE